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FILED

2008 FEB 12 P 3:51

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CALS.

8 Attorney for Plaintiff
9 BETTY JEAN NAPIER

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 BETTY JEAN NAPIER,

14 Plaintiff,

15 v.

16 TITAN MANAGEMENT SERVICES, LLC,
17 a Georgia limited liability company, and
18 FREDERICK ALLEN HOWARD,
19 individually and in his official capacity,

20 Defendants.

Case No. **08-00910**

COMPLAINT

DEMAND FOR JURY TRIAL

15 Unites States Code § 1692 *et seq.*
California Civil Code § 1788 *et seq.*

21 Plaintiff, BETTY JEAN NAPIER, based on information and belief and investigation
22 of counsel, except for those allegations which pertain to the named Plaintiff or her attorneys (which
23 are alleged on personal knowledge), hereby makes the following allegations:

I. INTRODUCTION

24 1. This is an action for statutory damages, attorney fees and costs brought by an
25 individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C.
26 § 1692, *et seq.* (hereinafter "FDCPA") and the Rosenthal Fair Debt Collection Practices Act,
27 California Civil Code § 1788 *et seq.* (hereinafter "RFDCPA") which prohibits debt collectors from
28 engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

29 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §
30 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367.

1 Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

2 3. This action arises out of Defendants' violations of the Fair Debt Collection
3 Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

4 **III. VENUE**

5 4. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in
6 that a substantial part of the events or omissions giving rise to the claim occurred in this judicial
7 district. Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that the
8 Defendants transact business in this judicial district and the violations of the FDCPA complained
9 of occurred in this judicial district.

10 **IV. INTRADISTRICT ASSIGNMENT**

11 5. This lawsuit should be assigned to the San Jose Division of this Court because
12 a substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara
13 County.

14 **V. PARTIES**

15 6. Plaintiff, BETTY JEAN NAPIER (hereinafter "Plaintiff"), is a natural person
16 residing in Santa Clara County, California. Plaintiff is a "consumer" within the meaning of 15
17 U.S.C. § 1692a(3) and a "debtor" within the meaning of Cal. Civil Code § 1788.2(h) and a "senior
18 citizen" within the meaning of Cal. Civil Code § 1761(f).

19 7. Defendant, TITAN MANAGEMENT SERVICES, LLC (hereinafter
20 "TITAN"), is a Georgia limited liability company engaged in the business of collecting debts in this
21 state with its principal place of business located at: 2160 Satellite Boulevard, Suite 350, Duluth,
22 Georgia 30097-4074. TITAN may be served as follows: Titan Management Services, LLC, c/o
23 Frederick Allen Howard, Agent for Service, 2160 Satellite Boulevard, Suite 350, Duluth, Georgia
24 30097-4074. The principal business of TITAN is the collection of debts using the mails and
25 telephone, and TITAN regularly attempts to collect debts alleged to be due another. TITAN is a
26 "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c).

27 8. Defendant, FREDERICK ALLEN HOWARD (hereinafter "HOWARD"), is
28 a natural person and is or was an officer, director, agent or employee of TITAN at all relevant times.

1 HOWARD may be served at his current business address at: Frederick Allen Howard, Titan
2 Management Services, LLC, 2160 Satellite Boulevard, Suite 350, Duluth, Georgia 30097-4074, and
3 at his residence address at: Frederick Allen Howard, 10665 Nellie Brook Court C, Duluth, Georgia
4 30097-1901. HOWARD is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and Cal.
5 Civil Code § 1788.2(c). Plaintiff is informed and believes, and thereon alleges that HOWARD is
6 liable for the acts of TITAN because he sets and approves TITAN's collection policies, practices,
7 procedures and he directed the unlawful activities described herein.

8 9. At all times herein mentioned, each of the Defendants was an officer, director,
9 agent, servant, employee and/or joint venturer of his co-defendants, and each of them, and at all said
10 times, each Defendant was acting in the full course and scope of said office, directorship, agency,
11 service, employment and/or joint venture. Any reference hereafter to "Defendants" without further
12 qualification is meant by Plaintiff to refer to each Defendant, and all of them, named above.

13 VI. FACTUAL ALLEGATIONS

14 10. On a date or dates unknown to Plaintiff, Plaintiff incurred a financial
15 obligation that was primarily for personal, family or household purposes (hereinafter "the debt").
16 The financial obligation owed by Plaintiff is a "debt" as that term is defined by 15 U.S.C. § 1692a(5)
17 and a "consumer debt" as that term is defined by Cal. Civil Code § 1788.2(f).

18 11. Sometime thereafter, on a date unknown to Plaintiff, the debt was consigned,
19 placed or otherwise transferred to Defendants for collection from Plaintiff.

20 12. Thereafter, Defendants sent a collection letter (Exhibit "1") to Plaintiff which
21 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

22 13. A true and accurate copy of the collection letter from Defendants to Plaintiff
23 is attached hereto, marked Exhibit "1," and by this reference is incorporated herein.

24 14. The collection letter (Exhibit "1") is dated February 17, 2007.

25 15. The collection letter (Exhibit "1") was sent in an envelope on which a postage
26 cancellation stamp dated February 19, 2007, was imprinted.

27 16. Plaintiff is informed and believes, and thereon alleges that Defendants
28 deposited the envelope containing the collection letter (Exhibit "1") in the United States Mail on or

1 about February 19, 2007.

2 17. The collection letter (Exhibit "1") was Defendants' first written notice
3 initially addressed to Plaintiff in connection with collecting the debt.

4 18. Plaintiff is informed and believes, and thereon alleges that Defendants knew
5 or should have known that their conduct was directed towards a senior citizen.

6 19. On or about March 7, 2007, Plaintiff mailed a letter to Defendants which
7 stated: "please be advised that I dispute this debt and refuse to pay."

8 20. A true and accurate copy of Plaintiff's letter disputing the debt and refusing
9 to pay the debt is attached hereto, marked Exhibit "2," and by this reference is incorporated herein.

10 21. Defendants received Plaintiff's letter disputing the debt and refusing to pay
11 the debt (Exhibit "2") on or about March 12, 2007.

12 22. A true and accurate copy of the USPS Tracking Report and Certified Mail
13 Return Receipt evidencing Defendants' receipt of Plaintiff's letter disputing the debt and refusing
14 to pay the debt (Exhibit "2") is attached hereto, marked Exhibit "3," and by this reference is
15 incorporated herein.

16 23. After receiving Plaintiff's letter disputing the debt (Exhibit "2"), Defendants
17 continued their collection efforts without first obtaining and mailing Plaintiff a validation of the debt
18 being collected.

19 24. After receiving Plaintiff's letter notifying Defendants of her refusal to pay the
20 debt (Exhibit "2"), Defendants continued to communicate with Plaintiff in an attempt to collect the
21 debt.

22 25. Thereafter, Defendants sent a second collection letter (Exhibit "4") to Plaintiff
23 which is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. §
24 1692a(2).

25 26. A true and accurate copy of the second collection letter from Defendants to
26 Plaintiff is attached hereto, marked Exhibit "4," and by this reference is incorporated herein.

27 27. The second collection letter (Exhibit "4") is dated May 9, 2007.

28 28. The second collection letter (Exhibit "4") was sent in an envelope on which

1 a postage cancellation stamp dated May 11, 2007, was imprinted.

2 29. Plaintiff is informed and believes, and thereon alleges that Defendants
3 deposited the envelope containing the second collection letter (Exhibit "4") in the United States Mail
4 on or about May 11, 2007.

5 30. Thereafter, Defendants sent a third collection letter (Exhibit "5") to Plaintiff
6 which is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. §
7 1692a(2).

8 31. A true and accurate copy of the third collection letter from Defendants to
9 Plaintiff is attached hereto, marked Exhibit "5," and by this reference is incorporated herein.

10 32. The third collection letter (Exhibit "5") is dated June 15, 2007.

11 33. The third collection letter (Exhibit "5") was sent in an envelope on which a
12 postage cancellation stamp dated June 16, 2007, was imprinted.

13 34. Plaintiff is informed and believes, and thereon alleges that Defendants
14 deposited the envelope containing the third collection letter (Exhibit "5") in the United States Mail
15 on or about June 16, 2007.

16 35. On or about June 25, 2007, Plaintiff mailed a second letter to Defendants
17 which stated: "please be advised that I dispute this debt and refuse to pay."

18 36. A true and accurate copy of Plaintiff's second letter disputing the debt and
19 refusing to pay the debt is attached hereto, marked Exhibit "6," and by this reference is incorporated
20 herein.

21 37. Defendants received Plaintiff's second letter disputing the debt and refusing
22 to pay the debt (Exhibit "6") on or about June 29, 2007.

23 38. A true and accurate copy of the USPS Tracking Report and Certified Mail
24 Return Receipt evidencing Defendants' receipt of Plaintiff's letter disputing the debt and refusing
25 to pay the debt (Exhibit "6") is attached hereto, marked Exhibit "7," and by this reference is
26 incorporated herein.

27 39. After receiving Plaintiff's second letter notifying Defendants of her refusal
28 to pay the debt (Exhibit "6"), Defendants continued to communicate with Plaintiff in an attempt to

1 collect the debt.

2 40. Thereafter, Defendants sent a fourth collection letter (Exhibit "8") to Plaintiff
3 which is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. §
4 1692a(2).

5 41. A true and accurate copy of the fourth collection letter from Defendants to
6 Plaintiff is attached hereto, marked Exhibit "8," and by this reference is incorporated herein.

7 42. The fourth collection letter (Exhibit "8") is dated August 17, 2007.

8 43. The fourth collection letter (Exhibit "8") was sent in an envelope on which
9 a postage cancellation stamp dated August 18, 2007, was imprinted.

10 44. Plaintiff is informed and believes, and thereon alleges that Defendants
11 deposited the envelope containing the fourth collection letter (Exhibit "8") in the United States Mail
12 on or about August 18, 2007.

13 45. As a senior citizen subjected to Defendants' abusive, deceptive and unfair
14 collection practices, Plaintiff is entitled to treble damages pursuant to Cal. Civil Code § 3345.

15 **VII. CLAIMS**

16 **FAIR DEBT COLLECTION PRACTICES ACT**

17 46. Plaintiff brings the first claim for relief against Defendants under the Federal
18 Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692.

19 47. Plaintiff repeats, realleges and incorporates by reference paragraphs 1 through
20 45 above.

21 48. Plaintiff is a "consumer" as that term is defined by the FDCPA, 15 U.S.C. §
22 1692a(3).

23 49. Defendant, TITAN, is a "debt collector" as that term is defined by the
24 FDCPA, 15 U.S.C. § 1692a(6).

25 50. Defendant, HOWARD, is a "debt collector" as that term is defined by the
26 FDCPA, 15 U.S.C. § 1692a(6).

27 51. The financial obligation owed by Plaintiff is a "debt" as that term is defined
28 by the FDCPA, 15 U.S.C. § 1692a(5).

1 52. Defendants have violated the FDCPA in the following respects:

2 a. Defendants continued to communicate with Plaintiff in an attempt to
3 collect the debt after receiving a written notification that Plaintiff
4 refused to pay the debt being collected, in violation of 15 U.S.C. §
5 1692c(c); and

6 b. Defendants continued their collection efforts against Plaintiff after
7 receiving a written notification within the thirty-day validation period
8 from Plaintiff disputing the debt being collected in its entirety
9 without first obtaining a verification of the debt and mailing a copy
10 of such verification to Plaintiff, in violation of 15 U.S.C. § 1692g(b).

11 53. Defendants' acts as described above were done intentionally with the purpose
12 of coercing Plaintiff to pay the debt.

13 54. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to an
14 award of statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C. § 1692k.

15 **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

16 55. Plaintiff brings the second claim for relief against Defendants under the
17 Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), California Civil Code §§ 1788-1788.33.

18 56. Plaintiff repeats, realleges and incorporates by reference paragraphs 1 through
19 54 above.

20 57. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil Code
21 § 1788.2(h).

22 58. Defendant, TITAN, is a "debt collector" as that term is defined by the
23 RFDCPA, Cal. Civil Code § 1788.2(c).

24 59. Defendant, HOWARD, is a "debt collector" as that term is defined by the
25 RFDCPA, Cal. Civil Code § 1788.2(c).

26 60. The financial obligation owed by Plaintiff is a "consumer debt" as that term
27 is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

28 61. Defendants have violated the RFDCPA in the following respects:

1 a. Defendants continued to communicate with Plaintiff after receiving
2 a written notification that Plaintiff refused to pay the debt being
3 collected, in violation of 15 U.S.C. § 1692c(c), as incorporated by
4 Cal. Civil Code § 1788.17; and

5 b. Defendants continued their collection efforts against Plaintiff after
6 receiving a written notification within the thirty-day validation period
7 from Plaintiff disputing the debt being collected in its entirety
8 without first obtaining a verification of the debt and mailing a copy
9 of such verification to Plaintiff, in violation of 15 U.S.C. § 1692g(b),
10 as incorporated by Cal. Civil Code § 1788.17.

11 62. Defendants' acts as described above were done willfully and knowingly with
12 the purpose of coercing Plaintiff to pay the debt, within the meaning of Cal. Civil Code §
13 1788.30(b).

14 63. As a result of Defendants' willful and knowing violations of the RFDCPA,
15 Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred dollars
16 (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code § 1788.30(b).

17 64. As a result of Defendants' violations of the RFDCPA, Plaintiff is entitled to
18 an award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil
19 Code § 1788.17.

20 65. As a result of Defendants' violations of the RFDCPA, Plaintiff is entitled to
21 an award of her reasonable attorney's fees and costs pursuant to Cal. Civil Code § 1788.30(c) and
22 15 U.S.C. § 1692k(a)(3), as incorporated by Cal. Civil Code § 1788.17.

23 66. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the
24 RFDCPA are intended to be cumulative and in addition to any other procedures, rights or remedies
25 that Plaintiff may have under any other provision of law.

26 **VIII. REQUEST FOR RELIEF**

27 Plaintiff requests that this Court:

28 a. Assume jurisdiction in this proceeding;

- By: /s/ Fred W. Schwinn
Fred W. Schwinn, Esq.
Attorney for Plaintiff
BETTY JEAN NAPIER

CERTIFICATION PURSUANT TO CIVIL L.R. 3-16

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

/s/ Fred W. Schwinn
Fred W. Schwinn, Esq.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, BETTY JEAN NAPIER, hereby demands a trial by jury of all triable issues of fact in the above-captioned case.

/s/ Fred W. Schwinn
Fred W. Schwinn, Esq.

866-376-1272

Hours of Operation: Mon - Fri 8:00 am - 5:00 pm
Sat 8:00 am - 12:00 am Eastern Standard Time

February 17, 2007

Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433Titan Account #: 523480
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

This notice is to inform you that the above referenced account has been placed with Titan Management Services, LLC for collections.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor.

If you do not have a valid dispute, please enclosed a check or money order for the balance in full OR contact one of our account specialists immediately to avoid any additional collection activity on your account.

Sincerely,

John Jette
Collection Manager
866-376-1272

**Titan Management Services, LLC is a debt collector. This is an attempt to collect a debt.
Any information obtained will be used for that purpose.**

> > > Notice: See reverse side for important information. < < <

To ensure proper credit, detach and return below portion with your payment in the enclosed reply envelope.
Be sure the return address appears correctly through the window of the reply envelope before mailing.
Please note your account number on your payment.

ICSTMSD03PED2

CSTMSD03
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

Please update our records:

New Address: _____
Home Phone: () _____
Work Phone: () _____
Cell Phone: () _____

February 17, 2007

#BWNHRMD 338857 50046
#0217 0451 0050 0465# 523480 FED2Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433Please send all payments and correspondence to:
TITAN MANAGEMENT SERVICES, LLC
P O Box 957057
Duluth GA 30095-7057Titan Account #: 523480
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

California Residents:

California: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-Help or www.ftc.gov

Colorado Residents:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.AGO.STATE.CO.US/CADC/CADCMAIN.CFM.

New York City Residents:

New York: New York City Department of Consumer Affairs License # 1175075.

North Carolina Residents:

North Carolina Department of Insurance Permit # 3934

Maine Residents:

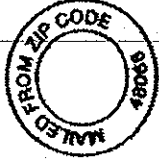
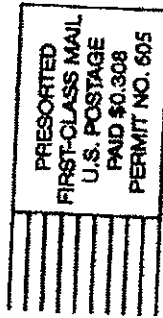
Hours are: Monday through Thurs. 8:00 am –9:00 pm; Fri. 8:00 am – 5:00 pm; Sat. 8:00 am –12:00 pm.

Minnesota Residents:

This collection agency is licensed by the Minnesota Department of Commerce.

FOR ADDITIONAL INFORMATION PLEASE CONTACT THE FOLLOWING:

Titan Management Services, LLC
2160 Satellite Blvd, Ste 350
Duluth, GA 30097-4360



02-13-07

CSTMSD03
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED



#BWNHRMD 338857 60046
#0217 0451 0050 0465# 523480 FED2
Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

REFUSE TO PAY LETTER

March 7, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005-3110-0000-4788-3490

Titan Management Services, LLC
P.O. Box 957057
Duluth, GA 30095-7057

Re: Creditor: Meijer & Frank
Account No.: 43215739296
523480

Dear Sir or Madam:

I have enclosed a copy of the last collection letter that you sent to me.

In this regard, please be advised that I dispute this debt and refuse to pay.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain . . .

Very Truly Yours,

Betty Jean Napier
6440 Green Field Drive
Gilroy, CA 95020-3433



7005 3110 0000 4788 3490

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.**OFFICIAL USE**

Postage	\$ 0.39	0012
Certified Fee	\$2.40	14
Return Receipt Fee (Endorsement Required)	\$1.85	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	USPS
Total Postage & Fees	\$4.64	James P. Sta
		95113-00
		#6 03/07/2007

Sent To: **Titan Management Services, LLC**
Street, Apt. No.,
or PO Box No.: **P.O. Box 957057**
City, State, ZIP+4: **Duluth, GA 30095-7057**

PS Form 3800, June 2002 See Reverse for Instructions

866-376-1272

February 17, 2007

Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Titan Account #: 523480
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

This notice is to inform you that the above referenced account has been placed with Titan Management Services, LLC for collections.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor.

If you do not have a valid dispute, please enclosed a check or money order for the balance in full OR contact one of our account specialists immediately to avoid any additional collection activity on your account.

Sincerely,

John Jette
Collection Manager
866-376-1272

**Titan Management Services, LLC is a debt collector. This is an attempt to collect a debt.
Any information obtained will be used for that purpose.**

> > > Notice: See reverse side for important information. < < <

To ensure proper credit, detach and return below portion with your payment in the enclosed reply envelope.
Be sure the return address appears correctly through the window of the reply envelope before mailing.
Please note your account number on your payment.

ICSTMSD03FED2



CSTMSD03
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

Please update our records:	
New Address:	_____
Home Phone: () _____	- _____
Work Phone: () _____	- _____
Cell Phone: () _____	- _____

February 17, 2007

#BWNHRMD 338857 50046
#0217 0451 0050 0465# 523480 FED2



Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Please send all payments and correspondence to:
TITAN MANAGEMENT SERVICES, LLC
P O Box 957057
Duluth GA 30095-7057



Titan Account #: 523480
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

California Residents:

California: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-Help or www.ftc.gov

Colorado Residents:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM.

New York City Residents:

New York: New York City Department of Consumer Affairs License # 1175075.

North Carolina Residents:

North Carolina Department of Insurance Permit # 3934

Maine Residents:

Hours are: Monday through Thurs. 8:00 am –9:00 pm; Fri. 8:00 am – 5:00 pm; Sat. 8:00 am –12:00 pm.

Minnesota Residents:

This collection agency is licensed by the Minnesota Department of Commerce.

FOR ADDITIONAL INFORMATION PLEASE CONTACT THE FOLLOWING:

Titan Management Services, LLC
2160 Satellite Blvd, Ste 350
Duluth, GA 30097-4360


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[Track & Confirm](#)
[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7005 3110 0000 4788 3490
Detailed Results:

- Delivered, March 12, 2007, 12:40 pm, DULUTH, GA 30095
- Notice Left, March 10, 2007, 10:18 am, DULUTH, GA 30095
- Acceptance, March 07, 2007, 12:27 pm, SAN JOSE, CA 95113

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No FEAR Act EEO Data

FOIA



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Titan Management Services, LLC
P.O. Box 95-7057
Duluth, GA 30095-7057

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0000 4788 3490

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Case 5:08-cv-00010-BMW Document 1 Filed 02/12/2008 Page 18 of 29
Hours of Operation: Mon - Thurs 8:00 am - 6:00 pm
Fri 8:00 am - 5:00 pm
Sat 8:00 am - 12:00 pm Eastern Standard Time

Titan Management Services, LLC

(800) 328-9401

May 9, 2007

Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Titan Account #: 770482
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

This notice is to inform you that the above referenced account has been placed with Titan Management Services, LLC for collections.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor.

If you do not have a valid dispute, please enclosed a check or money order for the balance in full OR contact one of our account specialists immediately to avoid any additional collection activity on your account.

Sincerely,

Aron Kennedy
Collection Manager
(800) 328-9401



**Titan Management Services, LLC is a debt collector. This is an attempt to collect a debt.
Any information obtained will be used for that purpose.**

> > Notice: See reverse side for important information. < <

To ensure proper credit, detach and return below portion with your payment in the enclosed reply envelope.
Be sure the return address appears correctly through the window of the reply envelope before mailing.
Please note your account number on your payment.

ICSTMSM02FED3



CSTMSM02
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

Please update our records:	
New Address:	_____
Home Phone: ()	_____ - _____
Work Phone: ()	_____ - _____
Cell Phone: ()	_____ - _____

May 9, 2007

#BWNHRMD 275918 82225
#0509 1938 0082 2255# 770482 FED3



Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Please send all payments and correspondence to:
TITAN MANAGEMENT SERVICES, LLC
P O Box 957057
Duluth GA 30095-7057



Titan Account #: 770482
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

California Residents:

California: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-Help or www.ftc.gov

Colorado Residents:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM.

New York City Residents:

New York: New York City Department of Consumer Affairs License # 1175075.

North Carolina Residents:

North Carolina Department of Insurance Permit # 3934

Maine Residents:

Hours are: Monday through Thurs. 8:00 am –9:00 pm; Fri. 8:00 am – 5:00 pm; Sat. 8:00 am –12:00 pm.

Minnesota Residents:

This collection agency is licensed by the Minnesota Department of Commerce.

FOR ADDITIONAL INFORMATION PLEASE CONTACT THE FOLLOWING:

Titan Management Services, LLC
2160 Satellite Blvd, Ste 350
Duluth, GA 30097-4360

Hours of Operation: Mon 8:00 am - 5:00 pm
Fri 8:00 am - 5:00 pm
Sat 8:00 am - 12:00 pm Eastern Standard Time

Document 1

Filed 02/12/2008 Page 21 of 29
Titan Management Services, LLC

(800) 328-9401

June 15, 2007

Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Titan Account #: 770482
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

In an effort to resolve your bad debt account, Federated Retail Holdings Inc. Creditor For Meijer Frank has authorized us to offer you the opportunity to open a new credit card account.

If you pay the balance of your delinquent account within the agreed upon time period, our client has advised us a new Federated Retail Holdings Inc. Creditor For Meijer Frank account will be established for you, provided you have no other delinquent accounts in your name issued by FDS Bank or Department Stores National Bank. If you meet this requirement, then upon receipt of your payment and after your check has cleared, Titan Management Services, LLC will inform our client of the Paid In Full status.

To take advantage of this offer, please contact one of our representatives to make the necessary arrangements by calling (800) 328-9401.

Sincerely,

Aron Kennedy
Collection Manager
(800) 328-9401



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Be sure the return address appears correctly through the window of the reply envelope before mailing.
Please note your account number on your payment.

ICSTMSM02FEDN3



CSTMSM02
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

Please update our records:	
New Address:	_____
Home Phone: ()	_____ - _____
Work Phone: ()	_____ - _____
Cell Phone: ()	_____ - _____

June 15, 2007

Please send all payments to:
TITAN MANAGEMENT SERVICES, LLC
P O Box 957057
Duluth GA 30095-7057



#BWNHRMD 253823 90445
#0615 2024 0090 4453# 43215739296 FEDN3



Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Titan Account #: 770482
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

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FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM.

New York City Residents:

New York: New York City Department of Consumer Affairs License # 1175075.

North Carolina Residents:

North Carolina Department of Insurance Permit # 3934

Maine Residents:

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FOR ADDITIONAL INFORMATION PLEASE CONTACT THE FOLLOWING:

Titan Management Services, LLC
2160 Satellite Blvd, Ste 350
Duluth, GA 30097-4360



06-18-07

CSTMSM02
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED



#BWNHRMD 253823 90445
#0615 2024 0090 4453# 43215739296 FEDN3
Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

REFUSE TO PAY LETTER

June 25, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7005-3110-0000-4788-4749

Titan Management Services, LLC
P.O. Box 957057
Duluth, GA 30095-7057

Re: Creditor: Federated Retail Holdings, Inc.
Account No.: 43215739296

Dear Sir or Madam:

I have enclosed a copy of the last collection letter that you sent to me.

In this regard, please be advised that I dispute this debt and refuse to pay.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain . . .

Very Truly Yours,

Betty Jean Napier
6440 Green Field Drive
Gilroy, CA 95020-3433



7005 3110 0000 4788 4749

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$0.41
Certified Fee	\$2.35
Return Receipt Fee (Endorsement Required)	\$2.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$4.76

Sent To: Titan Management Services, LLC
Street, Apt. No., or PO Box No.: P.O. Box 957057
City, State, ZIP+4: Duluth, GA 30095-7057

PS Form 3800, June 2002 See Reverse for Instructions

(800) 328-9401

May 9, 2007

Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Titan Account #: 770482
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

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Sincerely,

Aron Kennedy
Collection Manager
(800) 328-9401

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Any information obtained will be used for that purpose.**

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Please note your account number on your payment.

ICSTMSM02FED3



CSTMSM02
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

Please update our records:

New Address: _____
Home Phone: () _____ - _____
Work Phone: () _____ - _____
Cell Phone: () _____ - _____

May 9, 2007

#BWNHRMD 275918 82225
#0509 1938 0082 2255# 770482 FED3



Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Please send all payments and correspondence to:
TITAN MANAGEMENT SERVICES, LLC
P O Box 957057
Duluth GA 30095-7057



Titan Account #: 770482
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94


[Home](#) | [Help](#) | [Sign In](#)
[Track & Confirm](#)
[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7005 3110 0000 4788 4749

Detailed Results:

- Delivered, June 29, 2007, 1:31 pm, DULUTH, GA 30095
- Notice Left, June 28, 2007, 6:23 pm, DULUTH, GA 30095
- Acceptance, June 25, 2007, 4:09 pm, SAN JOSE, CA 95113

[Back](#)
[Return to USPS.com Home](#)

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)
[Site Map](#)
[Contact Us](#)
[Forms](#)
[Gov't Services](#)
[Jobs](#)
[Privacy Policy](#)
[Terms of Use](#)
[National & Premier Accounts](#)

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No FEAR Act EEO Data

FOIA



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Titan Management Services LLC

P.O. Box 957057

Duluth, GA 30095-7057

2. Article Number
(transfer from service label)

7005 3110 0000 4788 4749

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

A. R. Hart

☐ Agent
☐ Addressee

B. Received by (Printed Name)

A. R. HART

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

(800) 328-9401

August 17, 2007

Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Titan Account #: 770482
Original Account #: 43215739296
Current Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Current Balance Due: \$ 456.94

DON'T MISS OUT ON THIS MONEY SAVING OPPORTUNITY!!

We have been authorized to offer you a settlement in the amount of \$ 319.86 if you remit this amount in full. While payment may be made in the form of money order or personal check, certified funds will expedite the processing of your payment and fulfillment of your obligation.

If you cannot come up with the full payment to take advantage of the settlement offer, call one of our representatives to discuss further options to resolve your delinquent balance.

Please enclose your payment in the envelope provided and do not forget to include your account number and any changes to your mailing address information for future communications.

We look forward to assisting you and hope that you take advantage of this limited offer.

Aron Kennedy
Collection Manager
800-328-9401



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Please note your account number on your payment.

ICSTMSM02SIFM



CSTMSM02
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

Please update our records:	
New Address:	_____
Home Phone: ()	_____ - _____
Work Phone: ()	_____ - _____
Cell Phone: ()	_____ - _____

August 17, 2007

#BWNHRMD 0320787 0047320
#0817 0444 0047 3204# 43215739296 SIFM



Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433

Please send all payments to:
TITAN MANAGEMENT SERVICES, LLC
P O Box 957057
Duluth GA 30095-7057



Reference #: 770482
Account #: 43215739296
Creditor: FEDERATED RETAIL HOLDINGS INC.
CREDITOR FOR MEIJER FRANK
Balance: \$ 456.94

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WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM.

New York City Residents:

New York: New York City Department of Consumer Affairs License # 1175075.

North Carolina Residents:

North Carolina Department of Insurance Permit # 3934

Maine Residents:

Hours are: Monday through Thurs. 8:00 am –9:00 pm; Fri. 8:00 am – 5:00 pm; Sat. 8:00 am –12:00 pm.

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FOR ADDITIONAL INFORMATION PLEASE CONTACT THE FOLLOWING:

Titan Management Services, LLC
2160 Satellite Blvd, Ste 350
Duluth, GA 30097-4360



CSTMSM02
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

#BWNHRMD 0320787 0047320
#0817 0444 0047 3204# 43215739296 SIFM
|||
Betty Napier
6440 Greenfield Dr
Gilroy CA 95020-3433



08/18/07

